

1 SHANNON LISS-RIORDAN (SBN 310719)
(sliss@llrlaw.com)
2 THOMAS FOWLER (*pro hac vice* forthcoming)
(tfowler@llrlaw.com)
3 LICHTEN & LISS-RIORDAN, P.C.
4 729 Boylston Street, Suite 2000
Boston, MA 02116
5 Telephone: (617) 994-5800
6 Facsimile: (617) 994-5801

7 *Attorneys for Plaintiffs Carolina Bernal Strifling*
8 *and Willow Wren Turkal, on behalf of themselves*
9 *and all others similarly situated*

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13
14 CAROLINA BERNAL STRIFLING and
15 WILLOW WREN TURKAL, on behalf of
themselves and all others similarly situated,

16 Plaintiffs,

17 v.

18 TWITTER, INC.

19
20 Defendant
21

Case No. 4:22-cv-07739-JST

**PLAINTIFFS' NOTICE OF
SUPPLEMENTAL AUTHORITY**

1 Plaintiffs submit this Notice of Supplemental Authority in order to bring to the Court's
2 attention a recent decision in Zeman v. Twitter, Inc. et al., Civ. Act. No. 3:23-cv-01786-SI, Order
3 Denying Defendants' Motion to Dismiss Plaintiff's First Amended Complaint, Dkt. 62 (N.D.
4 Cal. Apr. 18, 2024) (attached as Exhibit A). In that case, the plaintiff brought an age
5 discrimination claim against Twitter under the Age Discrimination in Employment Act
6 ("ADEA"), 29 U.S.C. §§ 621 *et seq.*, and the New York State Human Rights Law ("NYSHRL"),
7 N.Y. Exec. § 296. In her well-reasoned decision, Judge Illston denied Twitter's motion to
8 dismiss Plaintiff's First Amended Complaint on a disparate treatment theory. See Zeman, at pp.
9 4-9 (Exhibit A).

10 Notably, Judge Illston had dismissed the disparate treatment claim in the original Zeman
11 complaint largely relying on this Court's Order (Dkt. 38) dismissing Plaintiffs' Complaint. Judge
12 Illston reasoned that "plaintiff [had] not pled that his performance was satisfactory or that the
13 younger employees who were retained were similarly situated to the older employees who were
14 laid off." Zeman v. Twitter, Inc., 2023 WL 5599609, at *3 (N.D. Cal. Aug. 29, 2023). Plaintiff
15 Zeman then submitted an amended complaint that contained allegations regarding his
16 performance that largely mirror the allegations included in Plaintiffs' Second Amended
17 Complaint (Dkt. 61) in this matter that Twitter now challenges. Like in this case, Twitter argued
18 in Zeman that the plaintiff's performance allegations were too cursory. See Zeman, at p. 5
19 (Exhibit A). Judge Illston rejected Twitter's argument, relying on the Ninth Circuit in Sheppard
20 v. David Evans & Assoc., 694 F.3d 1045, 1049-50 (9th Cir. 2012). See Zeman, at pp. 5-9.
21
22
23
24
25
26
27
28

Respectfully submitted,

CAROLINA BERNAL STRIFLING and WILLOW
WREN TURKAL, on behalf of themselves and all
others similarly situated,

By their attorneys,

/s/ Shannon Liss-Riordan
Shannon Liss-Riordan, SBN 310719
Thomas Fowler (*pro hac vice* forthcoming)
LICHTEN & LISS-RIORDAN, P.C.
729 Boylston Street, Suite 2000
Boston, MA 02116
(617) 994-5800
Email: sliss@llrlaw.com; tfowler@llrlaw.com

Dated: April 19, 2024

CERTIFICATE OF SERVICE

I, Shannon Liss-Riordan, hereby certify that a true and accurate copy of this document was served on counsel for Defendant Twitter, Inc. via the CM/ECF system on April 19, 2024.

/s/ Shannon Liss-Riordan
Shannon Liss-Riordan